

REMARKS

Claims 1-5, 7-9, 12-14, 26-29 have been rejected under 35 USC 103(a) as being unpatentable over U.S. patent no. 5,773,364 ("Farkas") in view of U.S. patent no. 6,083,419 ("Grumbine") and Electrochemical Approach to Au and Cu CMP Process Development ("Brusie").

Applicants respectfully traverse these rejections because the cited references do not disclose or suggest every element of any claim, as the following analysis shows.

Independent claims 1 and 26 recite the cerium ions being in a quantity equal to the inclusion of at least 0.02 molar ammonium cerium nitrate in the liquid. The Office action admits that Farkas does not disclose this, and then refers to an uncited article by Farkas to imply that a) since one set of tests were run to derive a set of particular concentrations for one purpose, then b) it would be obvious to run another set of tests to derive another particular concentration for another purpose. This reasoning fails on several counts:

1) To begin with, proposition a) does not automatically lead to insight b). Understanding the methodology of testing a range of experimental values does not imply that all values that can be experimentally derived are obvious. This is a leap of logic that can only be supported through the improper use of hindsight.

2) The Farkas article was written for CMP specifically directed at tungsten (see the first sentence of the Abstract). The values thereby derived would be inapplicable for use with copper.

Attorney Docket No. 42390.P6147

3) The Farkas article was not cited in the rejection, and yet it was used as a critical element to declare the claim unpatentable. This is an improper use of uncited references in a rejection.

Claims 2-5, 7-9, 12-14 and claims 27-29 depend from claims 1 and 26, respectively, and therefore contain the same limitations not disclosed or suggested by the cited references.

Claims 8 and 9 have been objected to for failing to limit the subject matter of a previous claim. Applicants respectfully point out that claim 8 recites a complexing agent, a limitation not recited in claim 1 from which claim 8 depends. Claim 8 therefore further limits the subject matter of the previous claim. Claim 9 further limits claim 8 by specifying what the complexing agent is. Withdrawal of the objection is respectfully requested.

CONCLUSION

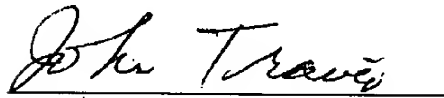
For the foregoing reasons, Applicant submits that claims 1-5, 7-9, 12-14, 26-29 are now in condition for allowance, and indication of allowance by the Examiner is respectfully requested. If the Examiner has any questions concerning this application, he or she is requested to telephone the undersigned at the telephone number shown below as soon as possible. No fee is believed due in connection with this response. If this is incorrect, please charge any insufficiency or credit any overpayment to Deposit Account No. 02-2666.

Attorney Docket No. 42390.P6147

Respectfully submitted,

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